

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-12, 15-20 and 27 remain active in this case, Claims 1 and 27 having been amended by the present amendment, and Claims 13, 14, and 21-26 having been withdrawn from consideration as directed to a non-elected invention.

In the outstanding Office Action, Claims 1-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Roth (U.S. Patent 6,096,175) in view of Griffin et al. (U.S. Publication No. 2004/0002752, hereinafter “Griffin”); Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Roth and Griffin, and in further view of Johnson et al. (U.S. Patent No. 6,790,298, hereinafter “Johnson”); Claims 15-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Roth and Griffin, and in further view of Liang et al. (U.S. Publication No. 2003/0053190, hereinafter “Liang”); and Claims 10-12 and 17-20 were allowed.

First, Applicant acknowledges with appreciation the allowance of Claims 10-12 and 17-20.

Next, Applicants further acknowledge with appreciation the courtesy of the interview granted to Applicants’ attorney on Aug. 27, 2009 at which time the outstanding issues in this case were discussed. During the interview, the above changes to Claims 1 and 27 were proposed, and arguments substantially as hereinafter developed were presented. No agreement was reached, the Examiner noting that the proposed amendment raises new issues requiring further consideration and/or search.

As proposed during the Aug. 25, 2009 interview with the Examiner, Claim 1 is presently further amended to clarify the claimed invention and thereby to more clearly patentably define over the cited prior art. To that end, amended Claim 1 recites that the free

standing structure has a code defined by said raised pattern, --said code being an optically readable pattern of text, holes, grooves or notches to identify said structure to identify said structure from similar free standing structures--. The basis for this amendment is found in the definition of “code” provided in Applicant’s description of the background of the invention in the last full paragraph of page 1 which relates to particles with small codes which are optically readable to identify these particles.

Claim 27 is similarly presently amended to state --said code being an optically readable pattern of text, holes, grooves or notches to identify said structure--. No new matter has been added.

Turning now to the applied prior art, Griffin discloses a stent which has radiopaque markers used to identify the location of opposite ends of the stent to allow positioning of the stent. Griffin fails to disclose how the radiopaque markers are fabricated and does not disclose that these markers are sacrificially patterned or are “free standing.” In particular, it is respectfully submitted that the Griffin markers are not an optically readable code patterned with text, holes, grooves or notches. In the absence of such teachings, it is respectfully submitted that Griffin has little, if any, teaching value relative to the claimed invention which relates to a method of producing a “free standing” structure.

Although codes are disclosed in the prior art discussed by the Applicant, Applicant then further explains that the present invention relies in a fabrication method for making such codes, i.e., a fabrication method which is considerably simpler than disclosed in the prior art. It is respectfully submitted that Griffin provides no motivation for one skilled in the art to apply an optically readable code patterned with text, holes, grooves or notches to the structure of Roth. This is believed to be self-evident by virtue of the fact that the radiopaque markers which Griffin teaches to use to identify the location of opposite ends of a stent have no role in the claimed invention or in that of Roth. Furthermore, it is respectfully submitted that the

cited prior art provides no suggestion or motivation of how one could implement a code in the stent of Roth if one were so motivated. Griffin does not cure such deficiencies.

Thus, it is respectfully submitted that the combined teachings of Roth and Griffin, whether considered alone or in combination, absent hindsight, fail to teach or render obvious the claimed invention recited in amended Claims 1 and 27. The deficiencies in Roth and Griffin are not believed to be remedied by Johnson or Liang. Accordingly, the outstanding grounds for rejection are believed to have been overcome, and withdrawal thereof is respectfully requested.

Consequently, in view of the present amendment and in light of the above comments, no further issues are believed to be outstanding, and the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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